

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2685
ANSWERED ON:10.08.2010
DEATHS IN JAIL
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Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether a number of deaths of prisoners lodged in various jails have been reported from various States;
- (b) if so, the details thereof and the reasons therefor;
- (c) the total number of prisoners who died during each of the last three years, State-wise, gender-wise and jail-wise including Tihar Jail in Delhi;
- (d) whether the Government has issued any directives to all the Jail Superintendents to investigate such instances and take remedial measures;
- (e) if so, the details thereof;
- (f) whether any judicial pronouncement/directives have been issued to the Union and the State Governments in this regard; and
- (g) if so, the details thereof and the reaction of the Union and the State Governments including National Capital Territory of Delhi in this regard?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN)

(a) to (c): A statement indicating the year-wise, State-wise and gender-wise details of cases of deaths in jail is at Annexure. Data relating to jail-wise deaths are not maintained centrally.

Number of deaths in Delhi prisons in last three years and in current year are as under:

Year	Male	Female	Total
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2007	31	02	33
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2008	11	02	13
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2009	13	02	15
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2010	07	00	07
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(upto July'10)

(d) & (e) 'Prison' is a State subject under list II to the Seventh schedule of the Constitution. The responsibility of the prison administration and its management, therefore, primarily lies with the respective State Governments.

However, the National Human Rights Commission has issued guidelines to all the State Governments for reporting of deaths in Police

and Judicial custody, whether natural or otherwise, within 24 hours of their occurrence. In order to keep a check on the number of deaths in custody, the Commission is calling for various reports, inquest report and magisterial enquiry report to evaluate acts of omission/commission by public servants in the case of death in custody. The commission has also been making efforts to sensitize officers during workshops, seminars and interactions with them during visits to the various States, for better protection of human rights.

(f) & (g) The Hon'ble Delhi High Court has issued directions in the matter of custodial deaths. Also in some cases, the Hon'ble High Court of Delhi grants compensation to the next of kin of the deceased.

The Hon'ble Delhi High Court in many death cases has directed to protect the fundamental rights of the prisoners and to provide adequate medical facilities to the sick prisoners. Also the Hon'ble Delhi High Court has directed to send the list of seriously sick prisoners so that these cases may be taken up for early release to avoid custodial deaths. The Hon'ble High Court vide order dated 18.6.2007 and order dated 22.8.2007 in Criminal MA No. 7030/2007-Court on its own motion vs State laid down guidelines to release all prisoners lodged in Delhi Jails under section 107/151 Cr.P.C. to decongest the Jails and to reduce the possibilities of custodial deaths.

All the aforesaid directions are being strictly followed by the authorities concerned.